IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3985 OF 2004

Raju Gorakh Helkar ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.S.S.Kulkarni for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

OCTOBER 5, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. There is material on record to indicate involvement of the Applicant herein and the Trial Court has rightly observed that the Applicant is the main assailant and caused fatal injury, which resulted in death. Besides, learned A.P.P. has brought to my notice that there are ten cases already registered against the Applicant. In such a situation, there is no reason to grant bail to

the Applicant.

3. Mr.Kulkarni for the Applicant, however, submits that the Applicant is presently undergoing treatment for mental disorder and the Court may consider his request for release on bail on the ground of illness. However, it appears from the order as recorded that the said ground was not agitated, though Mr.Kulkarni contends that the same was taken before the Court below.

4. Instead of going into correctness of this ground of illness, the appropriate course, is to give liberty to the Applicant to apply to the Trial Court for release on bail on the ground of illness, if so advised. That application will be considered on its own merits in accordance with law.

5. Application disposed of on the above terms.

6. All concerned to act on the ordinary copy of this order, duly authenticated as true copy by the office.

A.M.KHANWILKAR, J.